



faegredrinker.com

Susan M. Sharko  
Partner  
susan.sharko@faegredrinker.com  
973-549-7350 direct

Faegre Drinker Biddle & Reath LLP  
600 Campus Drive  
Florham Park, New Jersey 07932  
+1 973 549 7000 main  
+1 973 360 9831 fax

September 29, 2020

**VIA ECF**

Honorable Freda L. Wolfson, Chief Judge  
United States District Court- District of NJ  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Court Room 5E  
Trenton, NJ 08608

***Re: In re: Johnson & Johnson Talcum Powder Products Marketing,  
Sales Practices and Products Liability Litigation - MDL 2738***

Dear Chief Judge Wolfson:

Please accept this letter in support of defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Motion to Dismiss for failure to comply with the Court's May 15, May 26, June 4, September 17, and September 19, 2020 Orders regarding case-specific discovery for Stage One discovery pool cases.

The 32 plaintiffs listed in attached Exhibit A have failed to meet their Court-ordered discovery obligations requiring that they submit a complete and verified Plaintiff Profile Form ("PPF"), core medical records, and supporting documents by September 2, 2020. See June 4, 2020 Order [Doc. No. 13525]. The case-specific deficiencies which remain unresolved are included in Exhibit A.

The Court's Orders are clear – failure to produce the required discovery or to provide a satisfactory explanation of why the discovery cannot be produced will result in the case being dismissed with prejudice. See September 17, 2020 Order [Doc. No. 14728]; September 17, 2020 Order [Doc. No. 14729]; September 19, 2020 Order [Doc. No. 14749.] Despite a four-week extension and further orders directing compliance, these plaintiffs

Honorable Freda L. Wolfson,  
Chief Judge

-2-

September 29, 2020

have not provided any explanation as to why their discovery remains deficient.

Pursuant to Rule 41(b), "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Plaintiffs have now ignored six Court orders. Defendants therefore respectfully request that the cases be dismissed with prejudice pursuant to Rule 41(b).

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Susan M. Sharko

Susan M. Sharko  
FAEGRE DRINKER BIDDLE  
& REATH LLP  
600 Campus Drive  
Florham Park, NJ 07932  
Telephone: 973-549-7350  
Facsimile: 973-360-9831  
E-mail: susan.sharko@faegredrinker.com

*Attorneys for Defendants Johnson &  
Johnson and Johnson & Johnson  
Consumer Inc.*

cc: All Counsel of Record (via ECF)

Honorable Freda L. Wolfson,  
Chief Judge

-3-

September 29, 2020

**EXHIBIT A**

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
1.	3:18-cv-00012	BENNINGTON, STAVROULA	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
2.	3:19-cv-14787	BOWERS, VIRGINIA	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
3.	3:17-cv-10456	CARTER, DIANE	Beasley Allen	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
4.	3:18-cv-03680	COLLINS, VALERIE	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.

Honorable Freda L. Wolfson,  
Chief Judge

-4-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
5.	3:17-cv-06861	ELLIS, MELISSA	Beasley Allen	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
6.	3:17-cv-10381	JOHNSON, ELIZABETH	Beasley Allen	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
7.	3:19-cv-20237	KIDDER, LOREE	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
8.	3:19-cv-20208	MITCHELL, COLLEEN	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of

Honorable Freda L. Wolfson,  
Chief Judge

-5-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
				why the discovery cannot be produced.
9.	3:17-cv-09684	NEAL, MICHELLE	Beasley Allen	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
10.	3:18-cv-11246	WARNELL, MARGARET	Beasley Allen	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
11.	3:18-cv-05588	SWANGIM, JERRIANNE	Blizzard Law, PLLC	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
12.	3:18-cv-02366	ADKINS, BERNADINE	Johnson Law Group	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.

Honorable Freda L. Wolfson,  
Chief Judge

-6-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
13.	3:20-cv-03343	AMATO, FELICIA	Johnson Law Group	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
14.	3:19-cv-00987	HOUSLEY, YVONNE	Johnson Law Group	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
15.	3:17-cv-09678	SHARON, MARCHESE	Morelli Law Firm, PLLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
16.	3:17-cv-01502	HARRIS, JEANNE	Morris Bart, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]);

Honorable Freda L. Wolfson,  
Chief Judge

-7-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
				and plaintiff failed to provide any explanation of why the discovery cannot be produced.
17.	3:18-cv-10712	RICHARD, DALE	Morris Bart, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
18.	3:18-cv-16103	SULLIVAN, MARGARET	Morris Bart, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
19.	3:16-cv-08963	WALKER, SARAH	Morris Bart, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>core records have not been produced</b> (September 17, 2020 Order [Doc. No. 14728]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.

Honorable Freda L. Wolfson,  
Chief Judge

-8-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
20.	3:17-cv-10642	CROFT, GLENDA	Morris Law Firm	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
21.	3:19-cv-05458	THE ESTATE OF, NOLA WALKER	Napoli Shkolnik PLLC	<b>Supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
22.	3:18-cv-15736	BRUNDIDGE, BETTY	OnderLaw, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
23.	3:19-cv-19637	DOBRZELEWSKI, LYNNE	OnderLaw, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
24.	3:20-cv-02662	TAYLOR, JENNIFER	OnderLaw, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020



Honorable Freda L. Wolfson,  
Chief Judge

-9-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
				Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
25.	3:19-cv-18063	WHITLEY, LOIS	OnderLaw, LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
26.	3:20-cv-01339	FELDMAN, ANNA MARIA	The Driscoll Firm	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
27.	3:19-cv-01822	OINONEN, CATHLEEN	The Miller Firm LLC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.

Honorable Freda L. Wolfson,  
Chief Judge

-10-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
28.	3:20-cv-01466	CHAPIN, DEBRA	Trammell PC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]) and plaintiff failed to provide any explanation of why the discovery cannot be produced.
29.	3:19-cv-14466	COLEMAN, GEORGIA	Trammell PC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>core records have not been produced</b> (September 17, 2020 Order [Doc. No. 14728]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
30.	3:19-cv-14560	DOUGLAS, MATRELLE	Trammell PC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>core records have not been produced</b> (September 17, 2020 Order [Doc. No. 14728]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.

Honorable Freda L. Wolfson,  
Chief Judge

-11-

September 29, 2020

No.	MDL Case Number	Plaintiff Name	Law Firm Name	Deficiencies
31.	3:19-cv-09336	HANNAH, CAROL	Trammell PC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>core records have not been produced</b> (September 17, 2020 Order [Doc. No. 14728]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.
32.	3:20-cv-02191	JACKSON, MELINDA	Trammell PC	<b>The PPF remains materially deficient</b> (September 19, 2020 Order [Doc. No. 14749]); <b>supporting documents have not been produced</b> (September 17, 2020 Order [Doc. No. 14729]); and plaintiff failed to provide any explanation of why the discovery cannot be produced.